

Article - Education

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§23–604.

(a) (1) In this section the following words have the meanings indicated.

(2) “Confidential employee” means an employee who, as a functional responsibility, acts in a confidential capacity to assist Howard County Library System officials who formulate, determine, and effectuate policies in the field of employee relations.

(3) “Management employee” means an employee who, in the interest of the employer, has:

(i) The authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees;

(ii) The responsibility to direct other employees;

(iii) The authority to address the employee grievances; or

(iv) The authority to recommend an action regarding an employee in connection with the exercise of the authority listed in items (i) through (iii) of this paragraph if the exercise of the authority is not merely routine or clerical in nature, but requires the use of independent judgment.

(b) There is a professional and technical unit and a service and labor unit for collective bargaining purposes.

(c) (1) Except as provided in paragraph (2) of this subsection, the professional and technical unit includes:

(i) Professional classification titles under which employees have special or theoretical knowledge that usually is acquired through college training, other training that provides comparable knowledge, or work experience;

(ii) Paraprofessional classification titles under which employees perform, in a supportive role, some of the duties of a professional or technician but that usually require less formal training or experience than those duties performed by those with professional or technical classification titles; and

(iii) Technical classification titles under which employees have basic technical knowledge and manual skills that are usually acquired through specialized postsecondary school education or through equivalent on-the-job training.

(2) The professional and technical unit does not include management employees or confidential employees.

(d) (1) Except as provided in paragraph (2) of this subsection, the service and labor unit includes classification titles under which employees perform service and maintenance, may operate specialized machinery or heavy equipment, and contribute to the comfort and convenience of the public or to the upkeep and care of the employer's buildings, facilities, and grounds.

(2) The service and labor unit does not include management employees or confidential employees.

(e) When determining whether an employee is a management employee for the purposes of excluding the employee from a bargaining unit under subsection (c)(2) or subsection (d)(2) of this section:

(1) The exercise of any single function listed in subsection (a)(3) of this section does not necessarily require the conclusion that the employee is a management employee;

(2) Job titles may not be the exclusive basis for concluding that the employee is a management employee; and

(3) The nature of the employee's work, including whether or not a major portion of the working time of the employee is spent as part of a team with nonmanagement employees, must be considered.

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